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IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

OMARI MAHER,
Petitioner,

v.

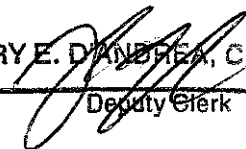
JANET RENO,
Respondent,

FILED
HARRISBURG, PA

1:CV-00-0070

JUL 11 2000

Judge Caldwell

MARY E. DANZON, CLERK
Per 
Deputy Clerk

MOTION FOR AN EXPEDITIOUS HEARING

Petitioner Omari Maher, pro se and respectfully moves this honorable Court to expedite his bail petition. Petitioner responded to respondent's reply motion and this case is ripe for decision.

In support thereof, Petitioner avers as follows:

Petitioner has been detained under the custody of INS for 12 months after serving his sentence. A final administrative removal order was entered against Mr. Omari on MAY 10, 1999. Mr. omari requested relief under the convention against torture Act.

Asylum Officer found that Mr. Omari had reasonable fear of prosecution or torture and therefore on July 26, 1999, referred his case to an immigration judge.

Immigration judge granted Mr. Omari withholding of removal. The INS timely appealed the decision of the judge and Petitioner remains in INS custody, being detained

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in Snyder County Prison pending the outcome of the INS appeal.

Petitioner would like to bring to this honorable Court's attention that several courts in the country have ruled on this issue, and held the statute to be unconstitutional. Please see: Velas v. Reno, 1999 WL 194198 (D. N.J. 1999).

Alwady v. Beebe, 1999 WL 184028 (D. Ore. 1999).

Grant v. Zemski, 99-2620 (E.D. PA 1999).

Reyes-Rodriguez v. Reno, 99 CV-0023 (S.D. Cal. 1999).

Alves-Curas v. Fasano, 98 CV 2295 (S.D. Cal. 1999).

Miranda-Artiaga v. Reno, 3:99 CV 99-0949 (M.D. PA 1999)

Zargo v. Reno, 99-1938 (NHP) (D. N.J. 1999).

Sena v. Fasano, 99 CV 715 BTM (RBB) (S.D. Cal. 1999).

Aguilar v. Lewis, 98-99-662 A(E.D. VA, 1999).

Petitioner, the Jordanian citizen who obtained withholding of removal under the Convention Against Torture, has presented a substantive defense.

INS appealing petitioner's withholding of removal, without provision for bail or parole has resulted in Mr. Omari's long-term detention.

Petitioner due to his mother's medical condition, and hardship to his family, for all these facts he is pleading with the honorable Court to expedite his release.


Therefore, for all the foregoing reasons, petitioner respectfully prays that this honorable Court expedite adjudication

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on his petition, and order him relief he is seeking release
on a removal bail.

RESPECTFULLY SUBMITTED,

/s/


OMARI MAHER

99-00350

SNYDER COUNTY PRISON

600 Old Colony Rd.

Selinsgrove, PA 17870

On this 6th day of July, 2000.

CERTIFICATE OF SERVICE

On this July day of 6th,
2000, a copy of this motion was mailed to the opposing party
at: 228 Walnut Street, Harrisburg, PA 17108.

TO:

Mary Catherine Frye
Assistant U.S Attorney
228 Walnut Street
Harrisburg, PA 17108

/s/ Omari
OMARI MAHER